

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 02 2004

In Re the Application(s) of:

Komazawa, Hiroyuki et al.

Serial No.: 10/743,832

Filed: December 24, 2003

Publication No.: 2004/0161831

Published: August 19, 2004

For: "MICROORGANISM HAVING AN  
ABILITY OF PRODUCING DOCOSAHEXA-  
ENOIC ACID AND USE THEREOF"

**Mail Stop: Amendments**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

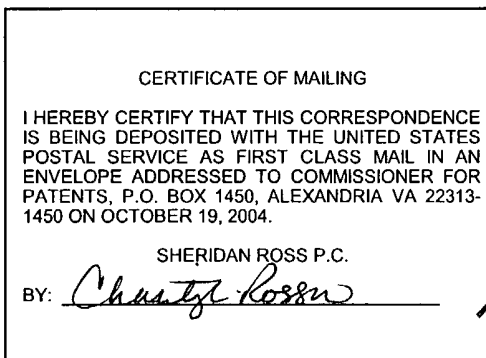
Dear Sir:

The undersigned, having reviewed the specification and the claims of the above-identified patent application, and having formed the opinion that the subject matter of said application(s) is not patentable in view of certain prior art references, and as a consequence thereof being further of the opinion that the grant by the United States Patent and Trademark Office of a patent to the applicants of the above-identified patent application would be contrary to the public interest, does hereby submit the following prior art references pursuant to 37 C.F.R. § 1.99.

The above-mentioned application was published less than two months prior to the instant submission.

Attached hereto in accordance with 37 C.F.R. § 1.99 are: (1) the fee as set forth in § 1.17(p) of \$180.00 as required under 1.99(b)(1); (2) a listing on the accompanying form PTO-1449 of the patents and publications relied upon; (3) a copy of each listed patent or publication in written form

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and (4) a certification that the submission was served upon the applicant in accordance with § 1.248.

The Examiner is respectfully requested to reject each and every one of the presently pending claims in the instant application(s) as anticipated and/or obvious over the cited prior art.

Respectfully submitted,

SHERIDAN ROSS P.C.

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Date: October 19, 2004  
J:\2997\22\18\1\IDS-01-1.99 submission.wpd

*Application No. 10/743,832*  
*First Third Party Submission of Patents or Publications*  
*Under 37 C.F.R. § 1.99*

*Certificate of Service*

It is hereby certified that a copy of this THIRD PARTY SUBMISSION OF PATENTS OR PUBLICATIONS UNDER 37 C.F.R. §1.99 was mailed, first class, postage prepaid, to Sughrue Mion, PLLC, 2100 Pennsylvania Avenue, N.W., Suite 800, Washington, D.C. 20037, attorney for applicant, this 19<sup>th</sup> day of October, 2004.

Chasityl Ross